



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

Washington State Energy Code Development Standard Energy Code Proposal Form

Jan 2022

Log No. 21-GP3-007

Code being amended: ☐ Commercial Provisions ☒ Residential Provisions

Code Section # Table R405.4.2(1)

Brief Description:

Reverting back to the 2018 WSEC-R's standard reference design for service water heating: "Same system efficiency as required by prevailing minimum federal standard."

Proposed code change text: (Copy the existing text from the Integrated Draft, linked above, and then use underline for new text and ~~strikeout~~ for text to be deleted.)

TABLE R405.4.2(1) (continued)
SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS

BUILDING COMPONENT	STANDARD REFERENCE DESIGN	PROPOSED DESIGN
Service water heating ^{d,e,f,g}	The standard reference design shall be a heat pump water heater meeting the standards for Tier 1 of NEEA's Advanced Water Heating Specifications. <u>Same system type as proposed. Same system efficiency as required by prevailing minimum federal standard.</u> Use, in units of gal/day – 25 + (8.5 x Nbr) Where Nbr = number of bedrooms	As proposed
		Use, in units of gal/day = 25.5 + (8.5 x Nbr) x (1-HWDS)
		Where: Nbr = number of bedrooms HWDS = factor for the compactness of the hot water distribution system.
		Compactness Ratio ⁱ Factor
		1 story2 or more stories
		>60%>30%
		>30% to ≤60%>15% to ≤30%
		>15% to ≤30%>7.5% to ≤15%
		<15%<7.5%
		00.050.100.15

Purpose of code change:

This proposal begins to remedy conflicting provisions in the WSEC-R that are preempted by federal law (EPCA).

The sole purpose of mandating heat pump water heating as the standard reference design is to prohibit covered products (42 U.S.C. § 6295) in direct violation with the EPCA.

For any covered product, “EPCA, 42 U.S.C. § 6297(c), expressly preempts State and local regulations concerning the energy use” California Restaurant Ass'n v. City of Berkeley (9th Cir. 2023).

Your amendment must meet one of the following criteria. Select at least one:

- | | |
|---|--|
| <input type="checkbox"/> Addresses a critical life/safety need. | <input checked="" type="checkbox"/> Consistency with state or federal regulations. |
| <input type="checkbox"/> The amendment clarifies the intent or application of the code. | <input type="checkbox"/> Addresses a unique character of the state. |
| <input type="checkbox"/> Addresses a specific state policy or statute.
(Note that energy conservation is a state policy) | <input type="checkbox"/> Corrects errors and omissions. |

Check the building types that would be impacted by your code change:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Single family/duplex/townhome | <input type="checkbox"/> Multi-family 4 + stories | <input type="checkbox"/> Institutional |
| <input checked="" type="checkbox"/> Multi-family 1 – 3 stories | <input type="checkbox"/> Commercial / Retail | <input type="checkbox"/> Industrial |

Your name	Gregory Johnson	Email address	gregory.johnson@avistacorp.com
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Your organization	Avista Corporation	Phone number	509-495-4928
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Other contact name [Click here to enter text.](#)

Economic Impact Data Sheet

Is there an economic impact: ☐ Yes ☒ No

Briefly summarize your proposal's primary economic impacts and benefits to building owners, tenants, and businesses. If you answered "No" above, explain your reasoning.

In reference to the currently in force 2018 WSEC-R, there is zero economic impact as this proposal rolls back changes that the 2021 WSEC-R would have imposed. This proposal averts any cost increases that this section of the 2021 WESC would have created.

Provide your best estimate of the **construction cost** (or cost savings) of your code change proposal? (See OFM Life Cycle Cost [Analysis tool](#) and [Instructions](#); use these [Inputs](#). [Webinars on the tool can be found Here](#) and [Here](#))

\$0 /square foot (For residential projects, also provide **\$0 / dwelling unit**)

Show calculations here, and list sources for costs/savings, or attach backup data pages

Provide your best estimate of the **annual energy savings** (or additional energy use) for your code change proposal?

0 KWH/ square foot (or) 0 KBTU/ square foot

(For residential projects, also provide **0 KWH/KBTU / dwelling unit**)

Show calculations here, and list sources for energy savings estimates, or attach backup data pages

In reference to the currently in force 2018 WSEC-R, there is zero energy impact as this proposal rolls back changes that the 2021 WSEC-R would have imposed.

List any **code enforcement** time for additional plan review or inspections that your proposal will require, in hours per permit application:

Zero impact to plan review or inspection time or process.

Small Business Impact. Describe economic impacts to small businesses:

This proposal averts any cost increases that this section of the 2021 WESC-R would have created. Zero small business impact in relation to the currently in force 2018 WSEC-R.

Housing Affordability. Describe economic impacts on housing affordability:

This proposal averts any cost increases that this section of the 2021 WESC-R would have created. Zero housing affordability impact in relation to the currently in force 2018 WSEC-R.

Other. Describe other qualitative cost and benefits to owners, to occupants, to the public, to the environment, and to other stakeholders that have not yet been discussed:

Reduces legal risk and uncertainty to building officials, municipalities, and the state related to conflicting provisions in this code that are preempted by federal law.